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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,014	11/12/2003	Samuel C. Wang	1406-CV (P275US)	6191
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JAMES J. MURPHY			EXAMINER	
THOMPSON AND KNIGHT LLP			WENDMAGEGN, GIRMSEW	
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SUITE 3300			ART UNIT	
DALLAS, TX 75201			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,014

Applicant(s)

WANG ET AL.

Examiner

GIRUMSEW WENDMAGEGN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 12-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12-15, 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1-5, 7-10, 12-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Temple et al (Pub. No Us 2003/0198463).

Regarding claim1,7, Temple et al (hereinafter Temple) teaches an embedded digital versatile disk recording system operable to selectively record a menu with an end-user generated background image on a digital versatile disk, the user generated background being created from data imported (see pae3 paragraph 0042, After importing the desired files, the application prompts the user with an option whether or not to create a custom background image for the static menu) but does not teach in a format selected from the group consisting of Joint Picture Experts Group, Graphic Interchange File, Bitmap, and Moving Pictures Experts Group formats. However it is old

Art Unit: 2621

and well known in the art images to have a format any of Joint Picture Experts Group, Graphic Interchange File, Bitmap, and Moving Pictures Experts Group formats format based on the system used. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to select from the well known group of image formats because it would give the user different choice based on users system.

Regarding claim2, Temple teaches the recording system of Claim 1, wherein the background image is generated by selecting from a plurality of still background images (see paragraph 0039).

Regarding claim3, Temple teaches the recording system of Claim 1, wherein the menu includes index frames and the background image (see paragraph 0024).

Regarding claim4, 12, Temple teaches the recording system of Claim 3, wherein the menu includes an index forming a button for navigating to each of a plurality of segments recorded on the digital versatile disk (see figure6).

Regarding claim5, Temple teaches the recording system of Claim 1, wherein the recording system forms a portion of a stand alone digital video disk system (see figure1).

Regarding claim8, Temple teaches he method of Claim 7, wherein selecting background data comprises copying background data from the digital versatile disk (see figure1 element 20).

Regarding claim9, Temple teaches the method of Claim 7, wherein selecting background data comprises importing background data from a digital data source selected from the group consisting of optical disk drives, programmed flash memory devices, and computing appliances (see figure1).

Regarding claim10, Temple teaches the method of Claim 7, wherein selecting background data comprises selecting data for creating a still background image (see paragraph 0039, user specified).

Regarding claim13, Temple teaches the method of Claim 7, wherein composing the selected menu comprises composing a menu page having a background and a plurality of buttons composed of index frames representing each of a plurality of segments recorded on the digital versatile disk (see figure 6).

Regarding claim14, Temple teaches the method of Claim 7, wherein selecting background data comprises selecting data available for download from a computer network (see paragraph0020-0021).

Claim15, 17-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Temple et al (Pub. No Us 2003/0198463) and Blahut et al (Patent No US 5,570,126).

Regarding claim15, Temple teaches a home digital versatile disk playback - recording system comprising: a digital versatile disk drive for recording and playing-back information on a digital versatile disk; a processing system for recording a menu with a selectable background Image on the digital versatile disk (see figure 1) but does not teach a processor and an encoder - decoder operable to: import background image data; selectively convert selected index frames from the digital versatile disk into decompressed video data; compose the selected menu in decompressed space from the imported background Image data and the decompressed video data; compress the composed menu. However Blahut teaches teach a processor and an encoder - decoder operable to: import background image data; selectively convert selected index frames from the digital versatile disk into decompressed video data; compose the selected menu in decompressed space from the imported background Image data and the decompressed video data; compress the composed menu (see figure4 and 5; column6 line38-44).

One of ordinary skill in the art at the time the invention was made would have been motivated to decompress background image and compress after composing as in Blahut in to Temple because it would make the system more efficient.

Regarding claim17, 18, Both Temple and Blahut do not teach the system of claim16, further comprising a memory for storing a library of user-selectable background

image data. However it is old and well known in the art to have a non-volatile memory for storing a library of user-selectable background image. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to have a library of user-selectable background image because it would give the user more choice to change the background.

Regarding claim19, Blahut teaches the system of Claim 15, further comprising a port for importing the background image data from an external source (see figure4 312).

Regarding claim20, Temple teaches the system of Claim 15, further comprising an embedded drive for importing the background image data (see figure1).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

